EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-1945-PWS-E **TCEQ ID:** RN101387496

CASE NO.: 35026

RESPONDENT NAME: City of Boyd

ORDER TYPE:	,	
1660 AGREED ORDER	X FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	_OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCURR Boyd, Wise County TYPE OF OPERATION: Public water sup SMALL BUSINESS:Yes _X_		north on Farm-to-Market Road 730 near
OTHER SIGNIFICANT MATTERS: The facility location.	re are no complaints. There is no record of addition	nal pending enforcement actions regarding this
INTERESTED PARTIES: No one other the	an the ED and the Respondent has expressed an inte	erest in this matter.
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on May 26, 2008. No	o comments were received.
TCEQ Enforcement Coordinator 239-1482; Mr. Bryan Sinclair, Enf Respondent: The Honorable Brent	eller, SEP Coordinator, Enforcement Division, MC: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, MC 219, (512) 239-2171; Wilson, Mayor, City of Boyd, P.O. Box 216, Boyd sented by counsel on this enforcement matter	vision, Enforcement Team 2, MC 169, (512)

RESPONDENT NAME: City of Boyd DOCKET NO.: 2007-1945-PWS-E

VIOLATION SUMMARY CHART:

CORRECTIVE ACTIONS VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED was Type of Investigation: Total Assessed: \$2,580 **Corrective Actions Taken:** Complaint X Routine Total Deferred: \$0 1) The Executive Director recognizes that ___ Enforcement Follow-up __Expedited Settlement the Respondent has implemented the following corrective measures at the __ Records Review __Financial Inability to Pay Facility as of October 29, 2007: Date(s) of Complaints Relating to this a) Submitted a copy of a complete and up-Case: None SEP Conditional Offset: \$2,580 to-date plant operations manual for Date of Investigation Relating to this operator review and reference; and Total Paid (Due) to General Revenue: \$0 Case: October 24, 2007 b) Submitted a copy of a complete an up-Site Compliance History Classification to-date chemical and microbiological Date of NOE Relating to this Case: __ High __ Average __ Poor monitoring plan. November 16, 2007 (NOE) Person Compliance History Classification Background Facts: This was a routine _ High X Average __ Poor **Ordering Provisions:** investigation. Major Source: ___ Yes X No 2) The Order will require the Respondent WATER to implement and complete a Applicable Penalty Policy: September 2002 Supplemental Environmental Project 1) Failure to locate/construct all wells at a (SEP) (See SEP Attachment A). distance greater than 500 feet from animal Findings Orders Justification: This is a feed lots [30 Tex. ADMIN. CODE Findings Order because the violation was a 3) The Order will also require the § 290.41(c)(1)(C) and Agreed Order gross deviation from a standard of conduct Respondent to: Docket No. 2005-0507-PWS-E, Ordering common in a given industry defined as Provision 2.c.iii.]. indifference to legal duty. a) Within 30 days after the effective date 2) Failure to secure a sanitary control of this Agreed Order, begin operating the easement covering land within 150 feet of water system to provide a minimum the well [30 Tex. ADMIN. CODE pressure of 35 psi throughout the § 290.41(c)(1)(F) and Agreed Order distribution system at all times; Docket No. 2005-0507-PWS-E, Ordering Provision 2.c.i.]. b) Within 60 days after the effective date of this Agreed Order: 3) Failure to maintain the system's 30,000 gallon elevated storage tank in accordance with American Water Works Association i. Secure a sanitary control easement ("AWWA") standards [30 Tex. ADMIN. covering all properly within 150 feet of the CODE § 290.43(c)(8) and Agreed Order well location from adjacent landowners Docket No. 2005-0507-PWS-E, Ordering and record the deeds at the county Provision 2.a.iii.]. courthouse and submit sanitary easements and exception requests; 4) Failure to maintain and operate the water system to provide a minimum ii. Ensure that livestock are not within 500 pressure of 35 pounds per square inch ("psi") throughout the distribution system feet of the well location; and at all times [30 Tex. ADMIN. CODE § 290.44(d) and Agreed Order Docket No. iii. Refurbish the 30,000 gallon elevated 2005-0507-PWS-E, Ordering Provision storage tank to meet AWWA standards. 2.b.vi.]. 5) Failure to keep a thorough plant c) Within 75 days after the effective date of this Agreed Order, submit written operations manual for operator review and reference [30 Tex. ADMIN. CODE certification and include detailed

RESPONDENT NAME: City of Boyd **DOCKET NO.:** 2007-1945-PWS-E

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§ 290.42(1) and Agreed Order Docket No. 2005-0507-PWS-E, Ordering Provision 2.b.iii.].	supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b.
6) Failure to complete and maintain an upto-date chemical and microbiological monitoring plan [30 Tex. Admin. Code § 290.121(a) and Agreed Order Docket No. 2005-0507-PWS-E, Ordering Provision 2.b.i.].	

Additional ID No(s).: PWS ID No. 2490002

Attachment A Docket Number: 2007-1945-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

City of Boyd

Payable Penalty Amount:

Two Thousand Five Hundred Eighty Dollars (\$2,580)

SEP Amount:

Two Thousand Five Hundred Eighty Dollars (\$2,580)

Type of SEP:

Pre-approved

Third-Party Recipient:

Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")- Water or Wastewater Treatment

Assistance

Location of SEP:

Wise County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, Third-Party Recipient shall repair or replace failing water systems or on-site wastewater systems for low income homeowners. Third-Party Recipient shall use SEP Funds to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. Third-Party recipient shall use a consistent and documented system for determining eligible participants.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

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2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive, Suite 510 Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

		ty Calculatio	n Worksheet (P	•	
Policy Revision 2 (Septe	ember 2002)			PCW Revision Septem	ber 19, 2007
DATES Assigned	19-Nov-2007				
PCW	11-Mar-2008 Scree	ening 30-Nov-2007	EPA Due		
RESPONDENT/FACILITY					
Respondent	City of Boyd				
Reg. Ent. Ref. No. Facility/Site Region			Major/Minor Source	Minor	
CASE INFORMATION		**************************************			
Enf./Case ID No.	35026	<u> </u>	No. of Violations	6	
Docket No.	2007-1945-PWS-E		Order Type	Findings	
Media Program(s)	Public Water Supply			Andrea Linson-Mgbeodur	
Multi-Media				EnforcementTeam 2	
Admin. Penalty \$ L	imit Minimum[\$	50 Maximum	\$1,000	794174V TTVVP Provide Children (Miller Children	auto worms were to our transfer
	P	enalty Calcula	ation Section		
TOTAL BASE PENAL				Subtotal 1	\$2,150
	47-10-16 A/8-10-17-17-17-17-17-17-17-17-17-17-17-17-17-				537 FETT P.3
ADJUSTMENTS (+/-) *		Base Penalty (Subtotal 1) by	the indicated percentage		
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Notes	Ennancement due	liability.	rder containing a demai of		
	<u>, , , , , , , , , , , , , , , , , , , </u>	nability.			
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Notes	rne Respon	dent does not meet the	e culpability criteria.		
L		version of the contract of the			*
Good Faith Effort	Contraction of the Contraction o	0% to EDPRP/Settlement Offer	Reduction	Subtotal 5	\$0
Extraordinary	Delote NOV NOV	LO EDI TA 70 etterilerit Orier			
Ordinary					
N/A	X (mark	with x)		-	
Notes	The Resnon	dent does not meet the	e good faith criteria		
Notes	The Respon	dent does not most in	o good laidt ontona.		
	en de Miller maner industrialiste et et is is established des dieses et e	00%	Enhancement*	Subtotal 6	\$0
Lawar of School Could by Italiana	Total EB Amounts \$		d at the Total EB \$ Amount	Subicial o	Ψ
Approx. C	Cost of Compliance \$2	,700			
SUM OF SUBTOTALS	(1 -7			Final Subtotal	\$2,580
COM OF CODIONALE		* 11.8 * 1 1 1 20.2 C.5	**************************************		, , , , , , , , , , , , , , , , , , , ,
OTHER FACTORS AS	JUSTICE MAY	REQUIRE	0%	Adjustment	. \$0
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Notes				·	
L			Final Po	nalty Amount	\$2,580
			rmarre	naity Amount	Ψ2,500
STATUTORY LIMIT A	DJUSTMENT		Final Asse	essed Penalty	\$2,580
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DEFERRAL			0% Reduction	Adjustment	\$0
Reduces the Final Assessed Pena	ity by the indicted percent	age. (⊏πτer number only; e.	y. 20 for 20% reduction.)	1	
Notes	No deferr	al is recommended for	Findings Orders		
140162	140 delett	ao rocommonaça for	go ordoro.		
L				_	
PAYABLE PENALTY					\$2,580

Screening Date 30-Nov-2007

Docket No. 2007-1945-PWS-E

PCW

Policy Revision 2 (September 2002) PCW Revision September 19, 2007

Respondent City of Boyd

Case ID No. 35026

Reg. Ent. Reference No. RN101387496

	Compliance History Worksheet	a. sz. 1969 (N. A. Son) en elsettekkeskeskes		£.:
ompilance ні Compon	story Site Enhancement (Subtotal 2) ent Number of	Enter Number He	re Adjust.	(M)
NOV	Written NOVs with same or similar violations as those in the current enforcement ac (number of NOVs meeting criteria)		0%	
111,1000,1411-11-11-11	Other written NOVs	0	0%	
	Any agreed final enforcement orders containing a denial of liability (number of ordered meeting criteria)	ders 1.110.	20%	
Ordei	Any adjudicated final enforcement orders, agreed final enforcement orders without a de of liability, or default orders of this state or the federal government, or any final prohib emergency orders issued by the commission		0%	
Judgme			0%	
and Con Decre	. Any odividicated final count independs and default independs on an edited attack of the last of the		0%	
Convict		0	0%	
Emissio		0	0%	
Audit	Letters notifying the executive director of an intended audit conducted under the Tenvironmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number audits for which notices were submitted)		0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privi Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	lege 0	0%	
<u> </u>		Please Enter Yes or N	Vo	
	Environmental management systems in place for one year or more	No	0%	
Othe	Voluntary on-site compliance assessments conducted by the executive director und special assistance program	er a No	0%	
	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal governmental requirements	nent No	0%	
	Adjustme	nt Percentage (Subtotal 2)	2
epeat Violato	(Subtotal 3)	recently of this Edit	icitus o combosi	
	N/A Adjustme	nt Percentage (Subtotal 3)	(
ompliance Hi	story Person Classification (Subtotal 7)		7 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Ť.
Avera	ge Performer Adjustme	nt Percentage (Subtotal 7)	
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Note	in the state of the second			

Screening Date	30-Nov-2007	Docket No. 2	007-1945-PWS-E	PCW
Respondent	City of Boyd		Policy Re	vision 2 (September 2002)
Case ID No.			PCW Rev	vision September 19, 2007
Reg. Ent. Reference No.	RN101387496	· ·		
Media [Statute]	Public Water Supply			200
Enf. Coordinator	Andrea Linson-Mgbeoduru			
Violation Number	1		1	
Rule Cite(s)	30 Tex. Admin. Code § 290	0.41(c)(1)(C) and Agreed Ord E, Ordering Provision 2.c.	ler Docket No. 2005-0507-PWS iii.	er eigenverender er e
Violation Description	lots. Specifically, Well No metal barns used as fee	o. 2 (G2490002B) was const	than 500 feet from animal feed ructed within 100 feet of three te, as documented during the r 24, 2007.	
			Base Penalty	\$1,000
>> Environmental, Property a	and Human Health Mat	rix .		episara nuklejojuje
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OR Actual Potential		ь	ercent 10%	Action and the second
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>>Programmatic Matrix				
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			cant amount of pollutants which nmental receptors as a result of	A September 1997
		Adj	ustment \$900	
	*		Γ	\$100
			Ł	24
Violation Events				A CALL
Number of Vio	olation Events 9	736 N	lumber of violation days	
mark only one with an x	daily monthly quarterly x semiannual		Violation Base Penalty[\$900
	annual single event rly events are recommended 005-0507-PWS-E, Novembe		e date of Agreed Order Docket date November 30, 2007.	
Economic Benefit (EB) for th	us violetion		Statutory Limit Test	
Leonomic Bellem (ED) IOF III	15 YIURAHUH	25	AGUITY EMME 1691	
Estimate	d EB Amount	\$138	Violation Final Penalty Total	\$1,080
	.	his violation Final Assess	d Danathy (adjusted for limita)	£1 000
	I	ins violauon rinal Assesse	ed Penalty (adjusted for limits)	\$1,080

	Public Water S	Supply				Percent Interest	Years of Depreciation
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Control of the Contro	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	- EB Amount
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n en	2000 - 0.00		in the second second	December 200			May hada qaad
Delayed Costs Equipment		1		0.0	\$0	\$0	\$0
Buildings	**************************************		Special Service Top Sec.	0.0	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)	Survey of Market Co.		ANGEL CALL DATE	0.0	\$0	\$0	\$0
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Training/Sampling			Circulation and	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	(* n/a	\$0
Permit Costs			William Conference of the Conf	0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	24-Nov-2005	31-Aug-2008	2.8	\$138	n/a	\$138
Notes for DELAYED costs						or testing the well on to the well. The date	
Avoided Costs Disposal	as to ensure t effective date	he well remains und of Agreed Order Do	contaminated by the cket No. 2005-050	e cattle in 7-PWS-1 ntering in 0.0	n close proximity E. The final date tem (except for \$0	to the well. The date is the estimated date it not a concerting avoided of \$0	e required is the of compliance osts)
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Avoided Costs Disposal	as to ensure t effective date	he well remains und of Agreed Order Do	contaminated by the cket No. 2005-050	e cattle in 7-PWS-1 ntering in 0.0	n close proximity E. The final date tem (except for \$0	to the well. The date is the estimated date it not a concerting avoided of \$0	e required is the of compliance osts)
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	as to ensure t effective date	he well remains und of Agreed Order Do	contaminated by the cket No. 2005-050 ed costs before e	e cattle in 7-PWS-6 ntering in 0.0 0.0 0.0 0.0	n close proximity The final date tem (except for \$0 \$0 \$0	to the well. The date is the estimated date in the dat	e required is the of compliance of compliance (sosts) \$0 \$0 \$0
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Screening Date	e 30-Nov-2007	Doc	cket No. 2007-1945-PWS-E	PCW
	nt City of Boyd			Revision 2 (September 2002)
Case ID N				Revision September 19, 2007
Reg. Ent. Reference No	o. RN101387496			***************************************
	e] Public Water Su	pply		
Enf. Coordinate	7			
Violation Numb	er 2		·	
Rule Cite(s) 30 Tex. Admin.	Code § 290.41(c)(1)(F) and 7 E, Ordering Pi	Agreed Order Docket No. 2005-0507-PWS rovision 2.c.i.	
Violation Description	on Specifically,	, a sanitary control easement	nt covering land within 150 feet of the well. t was not made available for Well No. 2 /estigation conducted on October 24, 2007	
			Base Penalt	y \$1,000
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>> Environmental, Property	and Fluitian He	Harm		
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OR Actu				
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Human he	alth or the environm	nent will or could be exposed	to insignificant amounts of pollutants which	
Matrix would not	exceed levels that a		th or environmental receptors as a result of	
Hotes		the violation.		
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Number of	Violation Events		130 Inditibel of violation days	
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	single event	X		
		and the second s		7
		One single event is recor	mmended.	
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Economic Benefit (EB) for	this violation		Statutory Limit Test	
A Property of the Control of the Con		0.401	M-1-0	
Estima	ted EB Amount	\$10	Violation Final Penalty Tota	al \$60
		This violation Fir	nal Assessed Penalty (adjusted for limits	\$60

	. RN101387496						e Geroefe
	Public Water S	upply		ė	er lang sering #10, ave Sering	Percent Interest	Years of Depreciation
	5 -		A CONTRACTOR	1.73		5,0	. 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Description	1 No commas or \$	Acceptable of the control of the con	LANGE FOR				
Delayed Costs	5	19.00 Car.	15 6 C 15		4		1000 1000
Equipment	O. Carlos		ter financial	0.0	\$0	\$0	\$0
Buildings	245		zarizoak natedistata (0.0	\$0	\$0	\$0
Other (as needed)	\$50	24-Nov-2005	31-Aug-2008	2.8	\$0	\$9	\$10
Engineering/construction				0.0	\$0	\$0	\$0
Land	Latin in a single transition	And the second s	And the second second	0.0	\$0	∌ i kot in/a i	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	II.		the contract of the fact of				
Other (as needed)				0.0	\$0 \$0	n/a n/a	\$0 \$0
, ,				atures o	\$0 f property owners	n/a s within a 150 feet ra	dius of the well
Other (as needed) Notes for DELAYED costs			ve date of Agreed	0.0 latures d Order D	\$0 f property owners	n/a	dius of the well
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Notes for DELAYED costs AVOIDED COSTS Disposal Personnel	The date re	quired is the effecti	ve date of Agreed estimated	ontering	\$0 f property owners ocket No. 2005-0 compliance. tem (except for \$0 \$0	n/a s within a 150 feet ra 507-PWS-B The fin one-time avoided c \$0 \$0	dius of the well al date is the
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	The date re	quired is the effecti	ve date of Agreed estimated	o.0.0 attures of order bedate of order ing. 0.0 0.0 0.0	f property owners bocket No. 2005-0 compliance. tem (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a s within a 150 feet ra 507-PWS EFT he fin one-time avoided of \$0 \$0 \$0 \$0 \$0	dius of the well al date is the solution of the well al date is the well al da
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	The date re	quired is the effecti	ve date of Agreed estimated	atures of order Dodgete of contering 0.0 0.0 0.0 0.0 0.0	f property owners bocket No. 2005-0 compliance. tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a s within a 150 feet ra 507-PWS-E. The fin one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	dius of the well al date is the sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	The date re	quired is the effecti	ve date of Agreed estimated	o.0 order both date of contering to 0.0 order	f property owners bocket No. 2005-0 compliance. tem (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a s within a 150 feet ra 507-PWS EFT he fin one-time avoided of \$0 \$0 \$0 \$0 \$0	dius of the well all date is the sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The date re	quired is the effecti	ve date of Agreed estimated	0.0 atures of contering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	f property owners bocket No. 2005-0 compliance. tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a s within a 150 feet ra 507-PWS-E. The fin one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	dius of the well al date is the sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The date re	quired is the effecti	ve date of Agreed estimated	0.0 atures of contering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	f property owners bocket No. 2005-0 compliance. tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a s within a 150 feet ra 507-PWS-E. The fin one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	dius of the well all date is the sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	The date re	quired is the effecti	ve date of Agreed estimated ed costs before e	0.0 atures of contering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	f property owners bocket No. 2005-0 compliance. tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a s within a 150 feet ra 507-PWS-E. The fin one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	dius of the well al date is the sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening D)ate 30-Nov-2007	Docket No. 2007-1945-PWS-E	PCW
	lent City of Boyd		Revision 2 (September 2002)
The second secon	No. 35026		Revision September 19, 2007
Reg. Ent. Reference			
4. · · · · · · · · · · · · · · · · · · ·	ute] Public Water Supply		
	ator Andrea Linson-Mgbeodu	ini	
Violation Nur			
Rule Ci	<u> </u>	290.43(c)(8) and Agreed Order Docket No. 2005-0507-PWS-E	
		Ordering Provision 2.a.iii.	'
Violation Descrip	otion American Water Works	ystem's 30,000 gallon elevated storage tank in accordance wit Association ("AWWA") standards. Specifically, at the time of the as documented that the tank had rust on its lower portion.	
venene		Base Penal	ty \$1,000
	-t		
>> Environmental, Prope	rty and Human Health W Harm	lauix	
Relo	ease Major Moderate	e Minor	
OR A	ctual		
Pote	ential x	Percent 10%	
高景设置			
>>Programmatic Matrix			
Falsifica	ition Major Moderate		
4444		Percent 0%	
			·
	• •	ne proper condition could allow a significant amount of pollutan Id not exceed levels that are protective of human health.	ts
		Adjustment \$90	00
***************************************			\$100
Violation Events			
violation Events			eces, c
Number	of Violation Events 9	736 Number of violation days	
Number	or violation Evente	Trainbor of Violation days	
•	daily	· ·	
	monthly		
mark only	one quarterly x	Violation Base Penal	ty \$900
with an	x semiannual		7
***************************************	annual		
word	single event		

		ded, calculated from the effective date of Agreed Order Docke ober 24, 2005, to the screening date November 30, 2007.	t
Economic Benefit (EB) fo	or this violation	Statutory Limit Test	
Economic Denent (ED) IC	n mis violativii	Statutory Limit Test	
Estin	nated EB Amount	\$194 Violation Final Penalty Tot	tal \$1,080
***************************************		This violation Final Appear of Develop (addition to 17 19 19	-) 64 000
		This violation Final Assessed Penalty (adjusted for limit	(s) \$1,080

Reg. Ent. Reference No. RN101387496 Media Violation No. 3 Item Cost. Date Required Final Date Yrs. Interest Saved Onetime Costs EB Amoun Item Description No commas or \$ Delayed Costs Equipment \$1,000	Respondent City of Boyd Case ID No. 35026 Reg. Ent. Reference No. RN101387496 Media Public Water Supply Violation No. 3 Item Cost. Date Required Final Date Yrs. Interest Saved Onetime Costs			heet	orksl	Benefit W	conomic I	ESSUE AFRICA	
Case ID No. 35026 Reg. Ent. Reference No. RN101387496 Media Public Water Supply Violation No. 3	Case ID No. 35026 Reg. Ent. Reference No. RN101387496 Media Public Water Supply Violation No. 3		DOVER OF THE PROPERTY OF	Mark was	god, a kir, ara		######################################	BARGASSA - LA SOLLA PIEZ RAZABASE	Respondent
Reg. Ent. Reference No. Media Public Water Supply Violation No. 3 Percent Interest Depreciation Supplied Percent Interest Depreciation Supplied Percent Interest Depreciation Supplied Percent Interest Depreciation Supplied Percent Interest Saved Onetime Costs EB Amount Percent Interest P	Reg. Ent. Reference No. Reference No. Media Public Water Supply Violation No. 3	1							
Violation No. 3	Nets for DELAYED costs Disposal Percent includes the amount to properly maintain the equipment. The delayed cost includes the amount to properly maintain the equipment. The delayed cost includes the amount to properly maintain the equipment. The date required is of Agreed Order Docket Number 2005-0507-PWS-E. The final date is the estimated date of Notes for AVOIDED costs Disposal Dis	187	and the second	1 1 1 1					
	Item Cost	Vacua of		1			innly.		-
Item Cost	Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs	est Tears of Depreciation	Percent Interest	ent en	Market of the second	one . As and to expediment and the	алын толоон алым лоргу		
Delayed Costs	Delayed Costs Equipment \$1,000 24-Nov-2005 31-Aug-2008 2.8 \$9 \$185 \$	5.0 15	5.0				gar 7 martika		
Delayed Costs	Delayed Costs \$1,000	ts EB Amount	Onetime Costs	Interest Saved	Yrs	Final Date	Date Required	Item Cost	E.C. (Like street)
Delayed Costs Equipment \$1,000 24-Nov-2005 31-Auq-2008. 2.8 \$9 \$185 \$194	Sequence					and the second		No commas or \$	Item Description
\$1,000 24-Nov-2005 31-Aug-2008 2.8 \$9 \$185 \$194	Equipment Buildings \$1,000 24-Nov-2005 31-Aug-2008 2.8 \$9 \$185	Albaic Revented Control of the Control		na mana ana ana ana	Manager and the		NATIONAL CONTRACTOR SERVICES	Marie Constitution of the Const	A STATE OF THE STA
\$1,000	Equipment Buildings	A CONTROL OF		Services of market	No.	No established	4.5	Sie all street een	Delayed Costs
Buildings	Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIded Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs	\$194	\$185	regional contrata de la contrata del contrata de la contrata del contrata de la contrata del la contrata de la contrata del la contrata de la		31-Aug-2008	24-Nov-2005		
Other (as needed) Englneering/construction O.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs Supplies/Requipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs								
Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs Other (as needed) Notes for AVOIDED costs Other (as needed) Notes for AVOIDED costs Notes for AVOIDED costs	Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs O, 0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$					The Samuel Control of the Control of			
Land	Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided personnel inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs					Description of the Section of the Se	94.9	Partie of the service	
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIded Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs O,0	Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs							2.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	· · · · · · · · · · · · · · · · · · ·
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Notes for DELAYED costs AVOIDED Costs AVOIDED Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs One of Avoided Costs One of Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) One of of of other (as needed) Notes for AVOIDED costs Notes for AVOIDED costs	Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs					Control of the contro		A. Contraction of the Contractio	Record Keeping System
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs Other (as needed)	Notes for DELAYED costs Notes for DELAYED costs AVOIGED Costs AVOIGED Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs								
Notes for DELAYED costs Notes for DELAYED costs AVOIDED Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs Notes for AVOIDED costs	Notes for DELAYED costs Notes for DELAYED costs AVOIDED Costs AVOIDED Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided linspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs								
The delayed cost includes the amount to properly maintain the equipment. The date required is the effective date of Agreed Order Docket Number 2005-0507-PWS-E. The final date is the estimated date of compliance. AVOIDED COSTS ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Disposal Personnel 0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Notes for DELAYED costs The delayed cost includes the amount to properly maintain the equipment. The date required is of Agreed Order Docket Number 2005-0507-PWS-E. The final date is the estimated date of Agreed Order Docket Number 2005-0507-PWS-E. The final date is the estimated date of Agreed Order Docket Number 2005-0507-PWS-E. The final date is the estimated date of Agreed Order Docket Number 2005-0507-PWS-E. The final date is the estimated date of Avoided Costs Disposal							AND THE RESERVE OF THE PARTY OF	Permit Costs
Notes for DELAYED costs The delayed cost includes the amount to properly maintain the equipment. The date required is the effective date of Agreed Order Docket Number 2005-0507-PWS-E. The final date is the estimated date of compliance. AVOIDED Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs	AVoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided personnel lispection/Reporting/Sampling 0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0					,			Other (as needed)
Disposal	Disposal Personnel	s the effective date of compliance.	e date required is the setimated date of c	ne equipment. The ne final date is the	naintain th WS-E, The	ount to properly n ber 2005-0507-P	ost Includes the am Order Docket Num	The delayed of Agreed	Notes for DELAYED costs
Disposal	Disposal	ed costs)	one-time avoided c	tem (except for c	entering it	d costs before e	UALIZE [1] avoide	ANN	Avoided Costs
Personnel	Inspection/Reporting/Sampling					as Edition Medical		200	- 100 - 100
Inspection/Reporting/Sampling 0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs		\$ 0	\$0	0.0		12.3	E. Sager	Personnel
Supplies/equipment	Supplies/equipment					1 1 2 2 5 W 10 10 10 10 10 10 10 10 10 10 10 10 10		2004 3.44	Inspection/Reporting/Sampling
Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs	ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs		\$0		0.0	The second second second	(2/1/2 - 2000)	Application and the second	Supplies/equipment
Other (as needed) Notes for AVOIDED costs	Other (as needed) Notes for AVOIDED costs		\$O	\$0	0.0			(1897) 34 (17) (17) (17) (17) (17) (17) (17) (17)	Financial Assurance [2]
Notes for AVOIDED costs	Notes for AVOIDED costs		\$0	\$0	0,0	1.12411.12	() () () () () () () () ()	Parties of the state of	ONE-TIME avoided costs [3]
		i \$ 0	\$0	.\$0	0.0	ALC: Visit Visit Kill	100-5 1, 344 115		Other (as needed)
					ANGERS	9.00		Andrew Commence	
		THE TOTAL CONTRACT OF THE PARTY	- 11-14-00 or 91 1 1-1990 (AP-1420-14			1, 4 (4) (1, 20) (8, 20) (8			
		186982331					sy, the		Notes for AVOIDED costs
									i.
Approx. Cost of Compilance \$1,000 TOTAL \$1	Approx. Cost of Compliance \$1,000	<u> </u>						***************************************	<u>L</u>
	\$500.00500.000000 	\$194		TOTAL	. 8		\$1,000		Approx. Cost of Compliance

	Screening Date	30-Nov-2007		Docket No	. 2007-1945-PWS-E	**************************************	PCW
	Respondent	City of Boyd				Policy Re	vision 2 (September 2002)
	Case ID No.	35026				PCW Rev	rision September 19, 2007
	. Reference No.						
	Media [Statute]	Public Water Sup	pply				
E	nf. Coordinator	Andrea Linson-M	Igbeoduru				
	Violation Number	4					
	Rule Cite(s)	30 Tex. Admin		nd Agreed Ordeing Provision 2.t	r Docket No. 2005-0507-F D.vi.	PWS-E,	Let i'r maleono ymaethau a chann a cha
Vid	olation Description	pounds per Specifically, the	r square inch ("psi") t e pressure recorded a	nroughout the di at 516 Knox Ave	provide a minimum pressu stribution system at all tim nue was 24 psi, and 28 ps n conducted on October 2	nes. si at 601	
					Base	Penalty	\$1,000
>> Environme	ental, Property a	nd Human He	alth Matrix	35105			
	•		Harm				
0.0	Release	Major N	Moderate Minor	· ·			
OR	Actual Potential				Percent 10%		
	Poternal		x	النن	reicent 10%		
>>Programma	atic Matrix		1047.666.6	製造業業			
	Falsification	Major N	Moderate Minor		****		
拉 图 4 多					Percent 0%		
数量 12数				1 722.MY 5.112 p -10 11			
Ma					ssure of 35 psi throughout		12
Not	a distribution		uit in backtiow problei ovide a safe and ade		mpromise the system's at water	ollity to	
全是 &		Pi		quate supply of	Mator.		'
美国美国山西			Police Land Control		Adjustment	\$900	1 de la 1
							y-1-
							\$100
Violation Eve	nte	45.0		8 4 8 E			. 24
Violation Eve	III.S						
	Number of Vio	lation Events	1	736	Number of violation day	s	
		daily			,		
	*	monthly				- [6400
	mark only one with an x	quarterly semiannual			Violation Base	Penalty	\$100
		annual					
		single event	x				disconnection
			W. H. W.				***************************************
	One sing	gle event is recor	nmended, based on p	pressure reading	gs taken on October 24, 20	007.	autorion del
							h equitablication .
Economic Be	nefit (EB) for thi	s violation			Statutory Limit Tes	st I I I	
	Estimated	EB Amount		\$8	Violation Final Pena	alty Total	\$120
			******	Uan Fin-1 A-	annel Damalha (adharata di C	 	£400
			inis viola	uon Finai Asse	ssed Penalty (adjusted f	or iimits)	\$120

Reg. Ent. Reference No Media Violation No	Public Water S						
Violation No		upply				Percent Interest	- Years of
Violation ind	. 4			discovering and fine			Depreciation
	SECURITY OF THE PARTY OF THE PA	a Kalik		4.54		5.0	15
The control of the co	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or \$	横浪的	4 1461				
		AND AND AND A COMMISSION ESSENCE OF	az egige oz a z oz a de de calledral abazan de ventreje edeleje.	50.500 ME. JOSEPH ST. 1000 ME.	macronamental confidence of the confidence of th	24 - 25 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	# W
Delayed Costs		15 166 E36		10.15.4			1000
Equipment	\$150	24-Oct-2007	31-Jul-2008	0%	\$0	\$8	\$8
Buildings	And the second of the second			0.0	\$0	\$0	, \$ 0
Other (as needed)			7.7.7	0.0	\$0	\$0	\$0
Engineering/construction		S		0,0	\$0	\$0	\$0
Land	And the second s	2	and the second s	0,0	\$0	* I// n/a til	\$0
Record Keeping System	4		TE STATE OF THE ST	0.0	\$0	n/a / L***	\$0
Training/Sampling				0.0	\$0	n/a se	\$0
Remediation/Disposal Permit Costs		404		0.0	\$0	n/a	\$0
Other (as needed)	Signature and section of the			0.0	\$0 \$0	n/a n/a	\$0 \$0
	The delayed co		ount to adjust pres	0.0 sure set	\$0 lings. The date re	quired is the investion	\$0,,,,,
Other (as needed) Notes for DELAYED costs		September of the septem	final date is the es	0.0 sure set timated	\$0 lings. The date re date of complianc	quired is the investige.	\$0
Other (as needed) Notes for DELAYED costs Avoided Costs		September of the septem	final date is the es	0,0 sure set timated ntering	\$0 tings. The date re date of compliand item (except for	quired is the investi e. one-time avoided c	\$0 gation date. The osts)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal		September of the septem	final date is the es	0.0 sure settetimated ntering	\$0 lings. The date redate of compliance item (except for \$0	n/a n/a quired is the investion of the investigation of the investigati	\$0 gation date. The osts) \$0
Other (as needed) Notes for DELAYED costs Avoided Gosts Disposal Personnel		September of the septem	final date is the es	sure set timated ntering 0.0	\$0 tings. The date redate of compliance item (except for \$0 \$0	n/a quired is the investige. one-time avoided c \$0 \$0	\$0 south
Other (as needed) Notes for DELAYED costs AVOIDED GOSTS Disposal Personnel Inspection/Reporting/Sampling		September of the septem	final date is the es	o.0 sure set timated ntering 0.0 0.0 0.0	\$0 tings. The date redate of compliance item (except for \$0 \$0 \$0	n/a	\$0 solution date. The solution date. The solution date and solution date. The solution date are solution date.
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment		September of the septem	final date is the es	o.0 sure set timated ntering 0.0 0.0 0.0 0.0	\$0 lings. The date redate of compliance item (except for \$0 \$0 \$0 \$0 \$0	n/a equired is the investige. one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 gation date. The osts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		September of the septem	final date is the es	0.0 sure sett timated ntering 0.0 0.0 0.0 0.0 0.0	\$0 lings. The date redate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a equired is the investige. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		September of the septem	final date is the es	0.0 sure set timated ntering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 lings. The date redate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a equired is the investige. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		September of the septem	final date is the es	0.0 sure sett timated ntering 0.0 0.0 0.0 0.0 0.0	\$0 lings. The date redate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a equired is the investige. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		September of the septem	final date is the es	0.0 sure set timated ntering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 lings. The date redate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a equired is the investige. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		September of the septem	final date is the es	0.0 sure set timated ntering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 lings. The date redate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a equired is the investige. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0

Screening D	ate 30-Nov-2007		Docket No. 2007-1945-PWS-E	**************************************	PCW
Respond	ent City of Boyd			Policy Re	vision 2 (September 2002)
	No. 35026			PCW Re	vision September 19, 2007
Reg. Ent. Reference	No. RN101387496				
	ute] Public Water S	* * -			-
	ator Andrea Linson	-Mgbeoduru			000
Violation Nun					-
Rule Cit	te(s) 30 Tex. Adn		Agreed Order Docket No. 2005-0507 Provision 2.b.iii.	Y-PWS-E,	
Violation Descrip			ions manual for operator review and		
Violation bescrip	Specifically,		ucted on October 24, 2007.	Juning the	
-					*Addresses
	L				·
			Ва	ase Penalty	\$1,000
>> Environmental, Proper	ty and Human I	łealth Matrix Harm			
Rele		Moderate Minor	· ==		
	ctual			7	
Pote	ntial		Percent 0%		
>>Programmatic Matrix Falsifica	tion Major	Moderate Minor			
Faisillea	x	Wilderate Willion	Percent 10%	J .	
			<u> </u>	2	
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		One single event is a	recommended.		
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		i nis violatio	n Final Assessed Penalty (adjusted	u ior iimits)[\$120

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	dia Public Water S	unnly					Years of
Violation I		пирріу				Percent Interest	Depreciation
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						5.0	
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Cas	e ID No.	35026					PCW Re	vision September 19,	2007
Reg. Ent. Refere	nce No.	RN101387496				4			
Media [Statute]	Public Water Sup	ply			i			9
Enf. Coo	rdinator	Andrea Linson-Mo	gbeoduru						Sager Camero
Violatio	n Number	6							
Ru	ıle Cite(s)	30 Tex. Admin.	Code § 290		greed Order Provision 2.b	r Docket No. 2005-0 .i.	9507-PWS-E,	1	Service Service
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Compliance History

Customer/Respondent/Owner-Operator: CN600734487 City of Boyd Classification: AVERAGE Rating: 1.84 RN101387496 CITY OF BOYD Classification: Site Rating: Regulated Entity: ID Number(s): REGISTRATION 2490002 PUBLIC WATER SYSTEM/SUPPLY 2490002 WATER LICENSING **LICENSE** 0.5 MILES NORTH ON FARM-TO-MARKET ROAD 730 NEAR BOYD, WISE COUNTY, TEXAS Location: **REGION 04 - DFW METROPLEX** TCEQ Region: Date Compliance History Prepared: November 20, 2007 Agency Decision Requiring Compliance History: Enforcement Compliance Period: November 19, 2002 to November 19, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Andrea Linson-Mgbeoduru Phone: 512-239-1482 Name: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes

2. Has there been a (known) change in ownership of the site during the compliance period?

No

3. If Yes, who is the current owner?

N/A

4. if Yes, who was/were the prior owner(s)?

N/A

5. When did the change(s) in ownership occur?

N/A

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/24/2005

ADMINORDER 2005-0507-PWS-E

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)

Description: Failure to provide facilities for determining the amount of disinfectant used daily as well s the amount

of disinfectant remaining in use.

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)

30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to provide copies and maintain records of the Customer Service Inspection reports.

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.41(c)(1)(C)

Description: Failure to construct/locate a well at a distance greater than 500 feet from an animal feed lots, solid waste disposal sites, lands on which sewage plant or septic tank sludge is applied, or lands irrigated by sewage

plant effluent.

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to secure a sanitary control easement covering land within 150 feet of the well, or executive

director approval for an authorized substitute.

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.42(j)

Description: Failure to provide documentation that all chemicals and any additional or replacement process media used in the treatment of water supplied by public waer systems must conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 60 for direct additives and ANSI/NSF Stand 61 for

in

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.42(k)

Description: Failure to keep a thorough plant operations manual for operator review and reference.

Classification: Minor

Citation: 3

30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to complete and maintain an up-to-date chemical and microbiological monitoring plan.

Classification: Minor

Citation

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)

30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failure to maintain copies of well completion data such as well material setting data, geological log, scaling information (pressure cementing and surface protection), disinfection information, microbiological sample results, and a chemical analysis report of a representative sample of water.

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.43(c)(8)

30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failure to conduct inspections to determine that all ground storage tank interior and exterior coating system so as to provide adequate protection to all metal surfaces so that the tanks remain in a watertight

condition.

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)

Description: Failure to maintain records of the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaintinvestigations.

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.38(25)

30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failure to install all potable water storage tanks and pressure maintenance facilities in a lockable building that is designed to prevent intruder access or enclosed by an intruder resistant fence with lockable gates, as defined by rule.

Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290,46(m)(4)

Description: Failure to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watetight condition.

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.44(d)

30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to design, maintain, and operate the water system to provide a minimum pressure 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute per connection throughout the distribution system under normal operating conditions.

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

Description: Failure to maintain a free chlorine residual disinfectant concentration of at least 0.2 milligrams per liter (mg/L) continuously during the treatment process and throughout the distribution system.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 02/23/2005

(341076)

2 11/16/2007

(600331)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF BOYD	§	
RN101387496	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1945-PWS-E

At its	agenda, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ")	considered this agreement of the parties, resolving an enforcement action
regarding the City of Boyd	("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341.
The Executive Director of	the TCEQ, through the Enforcement Division, and the City presented this
agreement to the Commissio	n.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The City owns and operates a public water supply located approximately 0.5 mile north on Farm-to-Market Road 730 near Boyd, Wise County, Texas (the "Facility") that has approximately 543 service connections and serves at least 25 people per day for at least 60 days per year.



- 2. During an investigation on October 24, 2007, TCEQ staff documented that the City did not locate/construct all wells at a distance greater than 500 feet from animal feed lots. Specifically, Well No. 2 (G2490002B) is within 100 feet of three metal barns used as a feed lot where cattle congregate.
- 3. During an investigation on October 24, 2007, TCEQ staff documented that the City did not secure a sanitary control easement covering land within 150 feet of the well. Specifically, a sanitary control easement was not made available for Well No. 2 (G2490002B).
- 4. During an investigation on October 24, 2007, TCEQ staff documented that the City did not maintain the system's 30,000 gallon elevated storage tank in accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was documented that the tank had rust on its lower portion.
- 5. During an investigation on October 24, 2007, TCEQ staff documented that the City did not maintain and operate the water system to provide a minimum pressure of 35 pounds per square inch ("psi") at flow rates of at least 1.5 gallons per minute per connection throughout the distribution system under normal operating conditions. Specifically, the pressure recorded at the Little Jacket's Child Care Center at 516 Knox Avenue was 24 psi, and 28 psi at 601 Knox Avenue.
- 6. During an investigation on October 24, 2007, TCEQ staff documented that the City did not keep a thorough plant operations manual for operator review and reference. Specifically, a plant operations manual was not available.
- 7. During an investigation on October 24, 2007, TCEQ staff documented that the City did not have a complete and up-to-date chemical and microbiological monitoring plan. Specifically, the Facility was not utilizing a monitoring plan that indicated frequencies, all sampling locations, and methods of sampling.
- 8. The City received notice of the violations on November 16, 2007.
- 9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility as of October 29, 2007:
 - a. Submitted a copy of a complete and up-to-date plant operations manual for operator review and reference, in accordance with 30 Tex. ADMIN. CODE § 290.42(k) and Agreed Order Docket No. 2005-0507-PWS-E, Ordering Provision 2.b.iii.; and
 - b. Submitted a copy of a complete an up-to-date chemical and microbiological monitoring plan, in accordance with 30 Tex. ADMIN. CODE § 290.121(a) and Agreed Order Docket No. 2005-0507-PWS-E, Ordering Provision 2.b.i.

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II. CONCLUSIONS OF LAW

- 1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 2, the City failed to locate/construct all wells at a distance greater than 500 feet from animal feed lots, in violation of 30 Tex. ADMIN. CODE § 290.41(c)(1)(C) and Agreed Order Docket No. 2005-0507-PWS-E, Ordering Provision 2.c.iii.
- 3. As evidenced by Findings of Fact No. 3, the City failed to secure a sanitary control easement covering land within 150 feet of the well, in violation of 30 Tex. ADMIN. CODE § 290.41(c)(1)(F) and Agreed Order Docket No. 2005-0507-PWS-E, Ordering Provision 2.c.i.
- 4. As evidenced by Findings of Fact No. 4, the City failed to maintain the system's 30,000 gallon elevated storage tank in accordance with AWWA standards, in violation of 30 Tex. ADMIN. CODE § 290.43(c)(8) and Agreed Order Docket No. 2005-0507-PWS-E, Ordering Provision 2.a.iii.
- 5. As evidenced by Findings of Fact No. 5, the City failed to maintain and operate the water system to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.44(d) and Agreed Order Docket No. 2005-0507-PWS-E, Ordering Provision 2.b.vi.
- 6. As evidenced by Findings of Fact No. 6, the City failed to keep a thorough plant operations manual for operator review and reference, in violation of 30 Tex. ADMIN. CODE § 290.42(1) and Agreed Order Docket No. 2005-0507-PWS-E, Ordering Provision 2.b.iii.
- 7. As evidenced by Findings of Fact No. 7, the City failed to complete and maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 Tex. ADMIN. CODE § 290.121(a) and Agreed Order Docket No. 2005-0507-PWS-E, Ordering Provision 2.b.i.
- 8. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Health & Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 9. An administrative penalty in the amount of Two Thousand Five Hundred Eighty Dollars (\$2,580) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b). Two Thousand Five Hundred Eighty Dollars (\$2,580) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP") as set forth in Attachment A.

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III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The City is assessed an administrative penalty in the amount of Two Thousand Five Hundred Eighty Dollars (\$2,580) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Boyd, Docket No. 2007-1945-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The City shall implement and complete a SEP in accordance with Tex. WATER CODE § 7.067. As set forth in Section II, Paragraph 9 above, Two Thousand Five Hundred Eighty Dollars (\$2,580) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. The City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, begin operating the water system to provide a minimum pressure of 35 psi throughout the distribution system at all times, in accordance with 30 Tex. ADMIN. CODE §§ 290.44, 290.45 and 290.46.
 - b. Within 60 days after the effective date of this Agreed Order:
 - i. Secure a sanitary easement covering all property within 150 feet of the well location from adjacent landowners and record the deeds at the county courthouse, as required by 30 Tex. ADMIN. CODE § 290.41 and submit sanitary easements and exception requests to:

Texas Commission on Environmental Quality Water Supply Division, Technical Review & Oversight Team P. O. Box 13087, MC-155 Austin, Texas 78711-3087

- ii. Ensure that livestock are not within 500 feet of the well location, as required by 30 Tex. ADMIN. Code § 290.41, or obtain an exception to the rule, in accordance with 30 Tex. ADMIN. Code § 290.39(1); and
- iii. Refurbish the 30,000 gallon elevated storage tank to meet AWWA standards, including but not limited to removing the rust on the lower portion of the tank, as required by 30 Tex. ADMIN. CODE §§ 290.43 and 290.46.
- c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2301 Gravel Drive Fort Worth, Texas 76118-6951

- 4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written

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writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

- 6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 8. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

City of Boyd DOCKET NO. 2007-1945-PWS-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	Date 6/2/2008
I am authorized to agree to the attached Agree	ne attached Agreed Order in the matter of the City of Boyded Order on behalf of the City of Boyd, and do agree to the knowledge that the TCEQ, in accepting payment for the epresentation.
including, but not limited to, the right to for notice of an evidentiary hearing, the right to an	Order, the City of Boyd waives certain procedural rights mal notice of violations addressed by this Agreed Order evidentiary hearing, and the right to appeal. I agree to that the tiary hearing. This Agreed Order constitutes full and final one set forth in this Agreed Order.
 timely pay the penalty amount, may result in: A negative impact on compliance history Greater scrutiny of any permit applicant Referral of this case to the Attorney of penalties, and/or attorney fees, or to a function of the penalties in any future enfort 	tions submitted; General's Office for contempt, injunctive relief, additional collection agency; cement actions; neral's Office of any future enforcement actions; and
` ĕ	MARCH 14, 2008 Date
Name (Printed or typed) Authorized Representative of City of Boyd	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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Attachment A Docket Number: 2007-1945-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

City of Boyd

Payable Penalty Amount:

Two Thousand Five Hundred Eighty Dollars (\$2,580)

SEP Amount:

Two Thousand Five Hundred Eighty Dollars (\$2,580)

Type of SEP:

Pre-approved

Third-Party Recipient:

Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")- Water or Wastewater Treatment

Assistance

Location of SEP:

Wise County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, Third-Party Recipient shall repair or replace failing water systems or on-site wastewater systems for low income homeowners. Third-Party Recipient shall use SEP Funds to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. Third-Party recipient shall use a consistent and documented system for determining eligible participants.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination.

C. <u>Minimum Expenditure</u>

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

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2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive, Suite 510 Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEO. Such statements include advertising, public relations, and press releases.

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6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.